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SENATE MEMORIAL 8

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Allen V. Hurt

A MEMORIAL

**REQUESTING THE UNITED STATES CONGRESS TO REEVALUATE THE WORTH
OF THE ENDANGERED SPECIES ACT AND TO RESTORE PERSONAL AND
PROPERTY RIGHTS.**

**WHEREAS, congress enacted the federal Endangered Species
Act in 1973 to "halt and reverse the trend toward species
extinction whatever the cost", according to the United States
supreme court in *Tennessee Valley Authority v. Hill*; and**

**WHEREAS, because many people affected by the act perceived
its provisions as draconian, congress amended it in 1978 to
allow the secretary of the interior to "take into consideration
the economic impact, and any other relevant impact, of
specifying any particular area as critical habitat" and to
provide for an exemption from the act if reasonable and prudent
alternatives to a proposed action are available, taking into**

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1 account "the nature and extent of the benefits" of the action
2 and proposed alternatives; and

3 WHEREAS, four executive orders have been issued that
4 require the assessment of costs and benefits of different
5 regulatory actions in enforcing the Endangered Species Act; and

6 WHEREAS, private property owners have the greatest
7 influence over the survival of endangered species, according to
8 a 1993 nature conservancy study that estimates that seventy-
9 five percent of endangered or threatened species inhabit
10 private land; and

11 WHEREAS, most costs of the Endangered Species Act are
12 borne by private property owners because the act provides for
13 restrictions on property rights and punitive remedies for
14 taking an endangered species, thereby creating an incentive for
15 private property owners to keep endangered species off their
16 property rather than rewarding them for habitat improvements;
17 and

18 WHEREAS, although national cost-benefit analyses are
19 currently unreliable, one estimate of the recovery costs to the
20 northwest economy for one species in the northwest is thirty-
21 three billion dollars (\$33,000,000,000) to forty-six billion
22 dollars (\$46,000,000,000), with thirteen thousand to twenty-
23 eight thousand jobs lost, and the United States department of
24 the interior estimates that the potential direct cost to the
25 federal treasury from implementation of recovery plans for all

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1 listed species is about four billion six hundred million
2 dollars (\$4,600,000,000); and

3 WHEREAS, the impact of critical habitat designation is not
4 evenly distributed across the states, with, for example, Texas
5 not being required to contribute to New Mexico's cost of
6 recovering the silvery minnow even though Texas will benefit
7 from increased flows in the Rio Grande; and

8 WHEREAS, affected communities perceive that political
9 considerations play a bigger role than reliable scientific
10 considerations in the designation of individual endangered
11 species and their critical habitats and recovery plans; and

12 WHEREAS, critics of the Endangered Species Act assert that
13 it is misused as a punitive weapon against selected interests
14 and economic endeavors and is not administered so as to
15 honestly recover endangered species or promote biodiversity;
16 and

17 WHEREAS, the Endangered Species Act has been characterized
18 as the most important environmental law in the government's
19 panoply of environmental protection policies, but only eight
20 species of the more than one thousand four hundred species
21 listed as threatened or endangered have been recovered since
22 its enactment in 1973;

23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
24 OF NEW MEXICO that the United States congress be requested to
25 reevaluate the worth to the nation's citizens of the many

. 142520. 1

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1 costly programs generated by the Endangered Species Act that
2 have failed to achieve their goals of protecting and preserving
3 the environment and those species the programs were designed to
4 protect, and to restore to the citizens of this country the
5 personal and property rights that are a part of the nation's
6 founding principles; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to New Mexico's congressional delegation.

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